



Bureau of Justice Assistance Fact Sheet

Nancy E. Gist, Director

State Criminal Alien Assistance Program

FY 1997 is the third fiscal year for which funding is available under the State Criminal Alien Assistance Program (SCAAP). Over \$624 million in SCAAP funds have been distributed during the last 2 years. Approximately \$492.5 million is available for the program in this fiscal year.

Under SCAAP, the Bureau of Justice Assistance (BJA) provides Federal funds to partially reimburse States and localities for the costs of incarcerating certain criminal aliens during a specified 1-year period. Aliens for whom reimbursement may be claimed must be convicted of either a felony or two misdemeanors. The program is authorized and governed by the provisions of the Immigration and Nationality Act of 1990, as amended, 8 U.S.C. 1251(i), originally enacted as section 20301 of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322).

Eligible Applicants

States and localities with correctional facilities that incarcerate or detain persons accused or convicted of crimes for 72 hours or longer are eligible to apply for funds. The term "States and localities" encompasses the 50 States, the District of Columbia, Guam, Puerto Rico, the U.S. Virgin Islands, and nearly 3,000 counties and cities with jail facilities. These jurisdictions may apply for program funds or may, by formal delegation, allow their correctional agencies to apply directly for funding.

Application and Award Process

The applicants' formal application must provide information on inmates claimed and costs incurred. BJA has streamlined the application form and necessary certifications and produced a one-page scannable document that can be processed into an automated tracking and

award system. Applicants are also provided a preprogrammed diskette to allow them to file this formal application electronically.

Providing the other required data has also been made as easy as possible. The actual cost of incarceration per inmate per year in the applicant's jurisdiction is reported as part of the formal application. Cost calculations are based on financial records kept by the jurisdiction, and include overhead costs as well as costs directly associated with inmate upkeep. Only routine operating expenditures may be used to calculate incarceration costs; capital expenditures and nonroutine costs are excluded from the calculation. Applicants must deduct from the cost calculation any payments, including Federal payments, from other jurisdictions to cover costs of housing inmates, and must add any payments they make to other jurisdictions to house their inmates.

The Immigration and Naturalization Service (INS), BJA's partner in SCAAP, is primarily responsible for verifying information on alien inmates to determine which of these inmates qualify for reimbursement. Information about inmates who are being claimed as possible reimbursable aliens, including length of stay, must be provided by applicants in a specified format that can be compared to INS records. A standard reimbursement rate is applied to alien inmates whose eligibility cannot be determined through a positive match with INS records.

BJA provides applicants with a preprogrammed diskette for direct entry of inmate data. This accommodates applicants with small inmate populations or those not fully automated. BJA also accepts data converted directly from applicants' automated recordkeeping systems into the proper format for INS verification. This option is appropriate for applicants with large inmate populations and computerized systems.

Options for counting the number of incarcerated aliens also are available. Applicants can perform a 1-day count or they can count every alien going through their facilities during any part of a 1-year reporting period. For these options, the actual lengths of stay for all inmates must be reported. Although the 1-day count option is simpler for applicants, the option to count all suspected alien inmates will result in greater overall reimbursement and is the preferred counting method. This method also helps to identify individual aliens and develop better statistics on the number of aliens currently in State and local facilities.

Awards are calculated by multiplying the number of reimbursable inmates (including a percentage of inmates not identified by INS matching procedures) by the lengths of stay for these inmates, then multiplying this number by the applicant's actual annual cost per inmate. The final claims for all applicants are totaled and divided into the available appropriation to determine a percentage payoff on the dollar of each claim. Award amounts for each applicant are calculated based on that payoff percentage. In FY 1996, reimbursement was at approximately 60 percent of the amount claimed by applicants for aliens determined to be reimbursable.

BJA utilizes grants as its reimbursement mechanism. All payments to applicants are made electronically. Jurisdictions may use SCAAP funds for any lawful purposes, including but not limited to reimbursement of correctional costs.

Outreach and Technical Assistance

BJA provides technical assistance to all eligible applicants during the application period. SCAAP Guidance and Application Kits are mailed directly to eligible applicants' correctional facilities, and the heads of these jurisdictions are notified of the availability of funds and issuance of the kits. BJA also holds briefings for national associations representing this constituency. The U.S. Department of Justice Response Center is tasked with the first-line response to SCAAP inquiries, and BJA program staff and data information contractors act as backup for more complex or technical questions.

Sources for Further Information

For more information about SCAAP, call:

U.S. Department of Justice Response Center
1-800-421-6770
or in the Washington, D.C., metropolitan area
202-307-1480

Response Center staff are available Monday through Friday, 9 a.m. to 5 p.m. eastern time.

The SCAAP 1997 Guidance and Application Kit and other information are available on the Internet via BJA's home page at <http://www.ojp.usdoj.gov/BJA>.

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